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BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			EXAMINER SCHINDLER, DAVID M	
			ART UNIT	PAPER NUMBER
			2862	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,024

Applicant(s)

SCHROTER ET AL.

Examiner

David Schindler

Art Unit

2862

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the communication received on 8/10/2005.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first set of magnetic elements that are each non-integral with respect to and arranged laterally next to the first non-magnetizable support of Claims 1, 11, and 14 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 17, 20, 25, 27, 30, 31, 34, 39, and 42 are objected to because of the following informalities:

As to Claims 17,20,25,27,30,39, and 42,

It is noted to applicant that some of the newly added claims recite the phrase "injected molded" such as in line 2 of claim 25, and it appears that the phrase should instead be "injection molded."

As to Claims 31 and 34,

The difference between the first, second, third, and fourth rings of claim 31 in contrast with the first set of tracks of claim 34 is not clear.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 11, and 14 now require "a first set of magnetic elements that are each non-integral with respect to and laterally next to said first non-magnetizable support" as stated on lines 4-5 of Claims 1 and 11, and lines 5-6 of Claim 14. This new requirement does not appear to be supported by applicant's original disclosure. The Examiner notes that applicant states "A base body 10,20 is particularly advantageously produced by a dual-component injection-molding process by injecting two materials on top of each other, wherein the material constituting the support 15, 25 is not magnetizable. The material which constitutes the magnetic elements 11,12,21,22 is a plastic material filled with magnetic or magnetizable substances ... To achieve a good bonding of the two materials, they are injected one shortly after the other into a mold" found in paragraph [0023] of page 7. Additionally, applicant states "The support(s) 14,25 of the base bodies 10,20 can also be embodied as prefabricated non-magnetizable insertion elements, on which the magnetic elements 11,12,21,22 are injection molded" on lines 1-3 of paragraph [0024] of page 7. According to page 720 of The American Heritage College Dictionary, 4th Edition, the definition of the term "integral" is, in part, "essential or necessary for completeness" when used as an adjective, or "A complete unit" when the above term is used as a noun. In either case, it appears that applicant's first set of magnetic elements as recited in claims 1, 11, and 14 are integral as they appear to both be essential for completeness of the invention, and they, in combination with the non-magnetizable support, appear to form a complete unit. Finally, it is especially noted, as stated above, that it appears that the magnetic elements are injection molded on and bonded with the non-magnetizable support. Therefore, given the above, it is not clear

how the magnetic elements are each non-integral with respect to the non-magnetizable support.

For the purpose of examination, the Examiner is interpreting that the term “non-integral” means that the magnetic elements are attached to the non-magnetizable support, and that the dual-component injection molding process mentioned above and in paragraph [0023] of page 7 meets the requirements of the term “non-integral.” This interpretation comes in view of the Figures and Specification.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-7 and 10-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Spies (5,734,266).

As to Claim 1,

Spies discloses a first base body including a first non-magnetizable support ((Figure 5) and (Column 3, Lines 46-49) and (Column 2, Lines 40-44)), and a first set of magnetic elements (the magnets of the base body (70)) that are each non-integral with respect to and arranged laterally next to the first non-magnetizable support ((Figure 5) and (Column 3, Lines 17-53 / especially note lines 50-53)), are magnetized in a single identical direction and are arranged in a measuring direction (Figure 5), a second base body includes a second non-magnetizable support (Figure 5), and a

Art Unit: 2862

second set of magnetic elements (the magnets of the base body (60)) that are arranged laterally next to the second non-magnetizable support (Figure 5), are magnetized in the single identical direction and are arranged in the measuring direction (Figure 5), and wherein the first base body and the second base body are put together such that in the measuring direction alternating ones of the first and second sets of magnetic elements are arranged and the first and second sets of magnetic elements have different magnetic orientations with respect to each other ((Figure 5) and (Column 2, Lines 40-44) and (Column 1, Lines 60-67) and (Column 2, Lines 1-3) and (Column 3, Lines 46-49) and (Column 5, Lines 5-13)).

As to Claim 2,

Spies discloses the first base body (70) comprises a first set of spaces defined between the first set of magnetic elements (the magnets of the base body (70)) and the second set of magnetic elements (the magnets of the base body (60)) are inserted into each one of the first set of spaces (Figure 5) and (Column 5, Lines 5-13)).

As to Claim 3,

Spies discloses the first and second base bodies each have an identical geometry and magnetization (Figure 5).

As to Claim 4,

Spies discloses the first set of magnetic elements (the magnets of the base body (70)) are arranged on a first set of tracks (Figure 5), wherein the first set of tracks, viewed vertically with respect to the measuring direction, are arranged spaced apart from each other by a space, and wherein the first non-magnetizable support and the

second non-magnetizable support are arranged in at least the space ((Figure 5) and (Column 5, Lines 5-13)).

As to Claim 5,

Spies discloses the first set of tracks are concentric with one another and the first and second non-magnetizable supports are arranged in the form of concentric rings between two of the first set of tracks (Figure 5).

As to Claim 6,

Spies discloses the first and second sets of magnetic elements are magnetized along an axis of symmetry of the scale (Figure 5).

As to Claim 7,

Spies discloses each of the first set of magnetic elements comprises a plastic-bonded hard magnetic material (Column 6, Lines 65-67).

As to Claim 10,

Spies discloses the first non-magnetizable support is made of a castable (injection molding), non-magnetizable material (plastic), and the first set of magnetic elements comprise a castable magnetic material (Column 3, Lines 17-53).

As to Claim 11,

Spies discloses providing a first base body including a first non-magnetizable support ((Figure 5) and (Column 3, Lines 46-49) and (Column 2, Lines 40-44)), and a first set of magnetic elements (the magnets of the base body (70)) that are each non-integral with respect to and arranged laterally next to the first non-magnetizable support ((Figure 5) and (Column 3, Lines 17-53 / especially note lines 50-53)), are magnetized

Art Unit: 2862

in a single identical direction and are arranged in a measuring direction (Figure 5), providing a second base body includes a second non-magnetizable support (Figure 5), and a second set of magnetic elements (the magnets of the base body (60)) that are arranged laterally next to the second non-magnetizable support (Figure 5), are magnetized in the single identical direction and are arranged in the measuring direction (Figure 5), and combining the first base body with the second base body by sticking them together such that in the measuring direction alternating ones of the first and second sets of magnetic elements are arranged and the first and second sets of magnetic elements have different magnetic orientations with respect to each other ((Figure 5) and (Column 2, Lines 40-44) and (Column 1, Lines 60-67) and (Column 2, Lines 1-3) and (Column 3, Lines 46-49) and (Column 5, Lines 5-13)).

As to Claim 12,

Spies discloses the first base body is produced by a dual injection-molding process by injecting a first material constituting the first support onto a second material that constitutes the first set of magnetic elements ((Column 3, Lines 17-53) and in particular (Column 3, Lines 47-53)).

As to Claim 13,

Spies discloses the second base body is produced by a dual injection-molding process by injecting a third material constituting the second support onto a fourth material that constitutes the second set of magnetic elements ((Column 3, Lines 17-53) and in particular (Column 3, Lines 47-53)).

It is noted that the cited columns describe the dual injection-molding process for a single base body, but as Figure 5 requires two base bodies, this process would be used for the both the first and second base bodies. This reasoning applies to all claim rejections.

As to Claim 14,

Spies discloses a scale (index disk / Column 5, Line 5) including a first non-magnetizable support ((Figure 5) and (Column 3, Lines 46-49) and (Column 2, Lines 40-44)), and a first set of magnetic elements (the magnets of the base body (70)) that are each non-integral with respect to and arranged laterally next to the first non-magnetizable support ((Figure 5) and (Column 3, Lines 17-53 / especially note lines 50-53)), are magnetized in a single identical direction and are arranged in a measuring direction (Figure 5), and a second base body includes a second non-magnetizable support (Figure 5), and a second set of magnetic elements (the magnets of the base body (60)) that are arranged laterally next to the second non-magnetizable support (Figure 5), are magnetized in the single identical direction and are arranged in the measuring direction (Figure 5), and wherein the first base body and the second base body are put together such that in the measuring direction alternating ones of the first and second sets of magnetic elements are arranged and the first and second sets of magnetic elements have different magnetic orientations with respect to each other ((Figure 5) and (Column 2, Lines 40-44) and (Column 1, Lines 60-67) and (Column 2, Lines 1-3) and (Column 3, Lines 46-49) and (Column 5, Lines 5-13)), and a scanning element (200), which is sensitive to a magnetic field, for scanning the first and second

Art Unit: 2862

sets of magnetic elements ((Column 4, Lines 1-7) and (Column 5, Lines 14-15) and (Figure 6)).

As to Claim 15,

Spies discloses a second scale, a reduction gear that drives both the scale (index disk) and the second scale (index disk) in a manner in which they are geared down in relation to each other, a driveshaft coupled to the reduction gear, wherein the position measuring system is a multi-turn angle encoder for measuring an absolute position of the driveshaft over several revolutions (Column 5, Lines 22-30).

As to Claim 16,

Spies discloses the first set of magnetic elements are attached to the first non-magnetizable support ((Figure 5) and (Column 3, Lines 17-53 / note lines 46-53)).

As to Claim 17,

Spies discloses the first set of magnetic elements are injected molded to the first non-magnetizable support ((Figure 5) and (Column 3, Lines 17-53 / note lines 46-53)).

As to Claims 18 and 19,

Spies discloses the second set of magnetic elements are attached to the second non-magnetizable support (((Figure 5) and (Column 3, Lines 17-53 / note lines 46-53))).

Note that the cited columns and lines discuss a single base body, but as the device of Figure 5 discloses two base bodies, the process would be used for both base bodies.

As to Claim 20,

Art Unit: 2862

Spies discloses the second set of magnetic elements are injected molded on the second non-magnetizable support ((Figure 5) and (Column 3, Lines 17-53 / note lines 46-53)).

Note that the cited columns and lines discuss a single base body, but as the device of Figure 5 discloses two base bodies, the process would be used for both base bodies.

As to Claim 21,

Spies discloses attaching the first set of magnetic elements to the first non-magnetizable support (((Figure 5) and (Column 3, Lines 17-53 / note lines 46-53))).

As to Claim 22,

Spies discloses the attaching includes injection molding the first set of magnetic elements to the first non-magnetizable support (((Figure 5) and (Column 3, Lines 17-53 / note lines 46-53))).

As to Claim 23,

Spies discloses attaching the second set of magnetic elements to the second non-magnetizable support (((Figure 5) and (Column 3, Lines 17-53 / note lines 46-53))).

Note that the cited columns and lines discuss a single base body, but as the device of Figure 5 discloses two base bodies, the process would be used for both base bodies.

As to Claim 24,

Spies discloses the attaching includes injection molding the second set of magnetic elements to the second non-magnetizable support (((Figure 5) and (Column 3, Lines 17-53 / note lines 46-53))).

Note that the cited columns and lines discuss a single base body, but as the device of Figure 5 discloses two base bodies, the process would be used for both base bodies.

As to Claim 25,

Spies discloses the second set of magnetic elements are injected molded on the second non-magnetizable support (((Figure 5) and (Column 3, Lines 17-53 / note lines 46-53))).

Note that the cited columns and lines discuss a single base body, but as the device of Figure 5 discloses two base bodies, the process would be used for both base bodies.

As to Claim 26,

Spies discloses the first set of magnetic elements are attached to the first non-magnetizable support (((Figure 5) and (Column 3, Lines 17-53 / note lines 46-53))).

As to Claim 27,

Spies discloses the first set of magnetic elements are injected molded to the first non-magnetizable support (((Figure 5) and (Column 3, Lines 17-53 / note lines 46-53))).

As to Claims 28 and 29,

Spies discloses the second set of magnetic elements are attached to the second non-magnetizable support (((Figure 5) and (Column 3, Lines 17-53 / note lines 46-53))).

Note that the cited columns and lines discuss a single base body, but as the device of Figure 5 discloses two base bodies, the process would be used for both base bodies.

As to Claim 30,

Spies discloses the second set of magnetic elements are injected molded on the second non-magnetizable support (((Figure 5) and (Column 3, Lines 17-53 / note lines 46-53))).

Note that the cited columns and lines discuss a single base body, but as the device of Figure 5 discloses two base bodies, the process would be used for both base bodies.

As to Claim 31,

Spies discloses a first base body including a first non-magnetizable support in the form of a first ring ((Figure 5) and (Column 3, Lines 46-49) and (Column 2, Lines 40-44)), and a first set of magnetic elements that are arranged laterally next to the first non-magnetizable support (Figure 5), are magnetized in a single identical direction and are arranged in a measuring direction so as to defined a second ring that is concentric with the first ring (Figure 5), a second base body including a second non-magnetizable support in the form of a third ring ((Figure 5) and (Column 3, Lines 46-49) and (Column 2, Lines 40-44)), and a second set of magnetic elements that are arranged laterally next to the second non-magnetizable support, are magnetized in the single identical direction and are arranged in the measuring direction so as to define a fourth ring that is concentric with the first, second, and third rings (Figure 5), and wherein the first base

Art Unit: 2862

body and the second base body are put together such that in the measuring direction alternating ones of the first and second sets of magnetic elements are arranged and the first and second sets of magnetic elements have different magnetic orientations with respect to each other ((Figure 5) and (Column 2, Lines 40-44) and (Column 1, Lines 60-67) and (Column 2, Lines 1-3) and (Column 3, Lines 46-49) and (Column 5, Lines 5-13)).

As to Claim 32,

Spies discloses the first base body includes a first set of spaces defined between the first set of magnetic elements and the second set of magnetic elements are inserted into each one of the first set of spaces (Figure 5).

As to Claim 33,

Spies discloses the first and second sets of magnetic elements are magnetized along an axis of symmetry of the scale (Figure 5).

As to Claim 34,

Spies discloses the first set of magnetic elements are arranged on a first set of tracks (Figure 5), wherein the first set of tracks, viewed vertically, with respect to the measuring direction, are arranged spaced apart from each other by a space, and wherein the first non-magnetizable support and the second non-magnetizable support are arranged in at least the space (Figure 5).

As to Claim 35,

Spies discloses providing a first base body including a first non-magnetizable support in the form of a first ring ((Figure 5) and (Column 3, Lines 46-49) and (Column

2, Lines 40-44)), and a first set of magnetic elements that are arranged laterally next to the first non-magnetizable support (Figure 5), are magnetized in a single identical direction and are arranged in a measuring direction so as to define a second ring that is concentric with the first ring (Figure 5), providing a second base body including a second non-magnetizable support in the first of a third ring ((Figure 5) and (Column 3, Lines 46-49) and (Column 2, Lines 40-44)), and a second set of magnetic elements that are arranged laterally next to the second non-magnetizable support (Figure 5), are magnetized in the single identical direction and are arranged in the measuring direction so as to define a fourth ring that is concentric with the first, second, and third rings (Figure 5), and combining the first base body with the second base body by sticking them together such that in the measuring direction alternating ones of the first and second sets of magnetic elements are arranged and the first and second sets of magnetic elements have different magnetic orientations with respect to each other ((Figure 5) and (Column 2, Lines 40-44) and (Column 1, Lines 60-67) and (Column 2, Lines 1-3) and (Column 3, Lines 46-49) and (Column 5, Lines 5-13)).

As to Claim 36,

Spies discloses a scale (index disk / Column 5, Line 5) including a first base body including a first non-magnetizable support in the form of a first ring ((Figure 5) and (Column 3, Lines 46-49) and (Column 2, Lines 40-44)), and a first set of magnetic elements that are arranged laterally next to the first non-magnetizable support, are magnetized in a single identical direction and are arranged in a measuring direction so as to define a second ring that is concentric with the first ring (Figure 5), a second base

body including a second non-magnetizable support in the form of a third ring (Figure 5), and a second set of magnetic elements that are arranged laterally next to the second non-magnetizable support, are magnetized in the single identical direction and are arranged in the measuring direction so as to define a fourth ring that is concentric with the first, second, and third rings (Figure 5), wherein the first base body and the second base body are put together such that in the measuring direction alternating ones of the first and second sets of magnetic elements are arranged and the first and second sets of magnetic elements have different magnetic orientations with respect to each other (Figure 5), and a scanning element, which is sensitive to a magnetic field, for scanning the first and second sets of magnetic elements ((Column 4, Lines 1-11) and (Figure 5) and (Column 2, Lines 40-44) and (Column 1, Lines 60-67) and (Column 2, Lines 1-3) and (Column 3, Lines 46-49) and (Column 5, Lines 5-13)).

As to Claim 37,

Spies discloses a second scale, a reduction gear that drives both the scale (index disk) and the second scale (index disk) in a manner in which they are geared down in relation to each other, a driveshaft coupled to the reduction gear, wherein the position measuring system is a multi-turn angle encoder for measuring an absolute position of the driveshaft over several revolutions (Column 5, Lines 22-30).

As to Claim 38,

Spies discloses the first set of magnetic elements are attached to the first non-magnetizable support ((Figure 5) and (Column 3, Lines 17-53 / note lines 46-53)).

As to Claim 39,

Spies discloses the first set of magnetic elements are injected molded to the first non-magnetizable support ((Figure 5) and (Column 3, Lines 17-53 / note lines 46-53)).

As to Claim 40,

Spies discloses the second set of magnetic elements are attached to the second non-magnetizable support ((Figure 5) and (Column 3, Lines 17-53 / note lines 46-53)).

As to Claim 41,

Spies discloses the second set of magnetic elements are attached to the second non-magnetizable support ((Figure 5) and (Column 3, Lines 17-53 / note lines 46-53)).

As to Claim 42,

Spies discloses the second set of magnetic elements are injected molded on the second non-magnetizable support ((Figure 5) and (Column 3, Lines 17-53 / note lines 46-53)).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spies (5,734,266) in view of Schwabe (6,717,401).

Spies discloses as explained above.

Spies does not disclose the hard magnetic material is defined by the group consisting of neodymium-iron-boron, samarium-cobalt or a ceramic magnetic material.

Schwabe discloses the hard magnetic material is defined by the group consisting of neodymium-iron-boron, samarium-cobalt or a ceramic magnetic material (Column 5, Lines 48-52).

It would have been obvious at the time of the invention to modify Spies to include the hard magnetic material is defined by the group consisting of neodymium-iron-boron, samarium-cobalt or a ceramic magnetic material as taught by Schwabe in order to use a permanent magnetic alloy (Column 5, Line 51).

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spies (5,734,266) in view of Kitaori (JP06103552).

Spies discloses as explained above.

Spies does not disclose the first non-magnetizable support is made of polyamide.

Noriyuki discloses the first non-magnetizable support is made of polyamide (Abstract, Lines 4-6).

It would have been obvious at the time of the invention to modify Spies to include the first non-magnetizable support is made of polyamide as taught by Noriyuki in order to provide strong support.

Response to Arguments

11. Applicant's arguments filed 8/10/2005 have been fully considered but they are not persuasive. Applicant argues that "the magnetic elements 63,64,73,74 are not

integral with base bodies 60,70. This is shown by the lack of demarcation lines with respect to base body 70. This can only mean that the magnetic elements 73,74 are integrally formed with the remaining material of the base body 70. Similarly, magnetic elements 63,64 are integrally formed with the remaining material of the base body 60” as stated on lines 1-5 of page 13 of the Remarks. It is noted that the Examiner is interpreting that applicant meant to state that the magnetic elements 63,64,73,74 are integral with base bodies 60,70 in lines 1-2 of page 13 of the Remarks.

With respect to the above arguments, the Examiner respectfully disagrees.

Firstly, Spies does not appear to disclose the use of forming the magnetic elements with the remaining material of a base body. Instead, Spies states “In the exemplary embodiments of FIGS. 1 to 3, the magnetic elements 13 to 16, 23 to 26, 33 to 36 have been attached to the non-magnetic support 11,21,31 by injection. If plastic is also selected for the support 11,21,31, the base body 10,20,30 can also be produced by the two-component injection process in that two different materials are injected into one mold (Column 3, Lines 46-53) of Spies.

With respect to the rest of the above noted arguments, the Examiner directs applicant's attention to paragraph 4 of this action for which discusses the term “non-integral.”

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

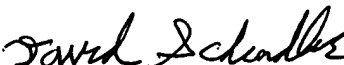
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Schindler whose telephone number is (571) 272-2112. The examiner can normally be reached on M-F (8:00 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2862



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Examiner

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